

BCS seeks nonprofit contact information

Are you a board member or officer of a nonprofit organization? If so, the Secretary of State's office needs current contact information for your organization.

During the 86th General Assembly, the legislature approved Act 569, requiring nonprofit corporations to file an annual report with the Arkansas Secretary of State's office.

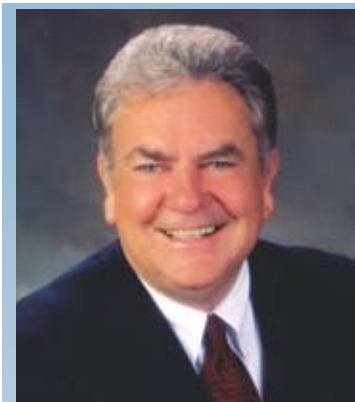
This act will help the Business and Commercial Services division update records. It requires all nonprofit corporations to file an annual report, which must include the name and address of the organization's officers, directors and agent for service of process. The new annual report will be due by August 1, 2008, and each year thereafter.

To assist the Secretary of State in updating out-of-date addresses on current nonprofit

entities, the office is requesting that current address and contact information be immediately submitted either by logging on to our website at www.sos.arkansas.gov, by email to corporations@sos.arkansas.gov, by mail to Business and Commercial Services, Arkansas Secretary of State, State Capitol, Little Rock, AR 72201, or by fax to 501-682-3437.

The first annual report, for the 2007 reporting year, will not be due until August 1, 2008. The Business and Commercial Services office plans an extensive campaign to notify non-profit corporations of this new requirement. However, the state needs immediate information regarding a current address and contact person.

Questions may be directed to a corporate team member at 501-682-3409 or 888-233-0325, or at the above email address.



Secretary of State Charlie Daniels

The highest priority of the Business and Commercial Services division is to streamline procedures for Arkansas companies and help guide them through a maze of required paperwork. We continually work to enhance the services we offer, including expanding our features online. As always, our BCS office staff remain available to answer any questions and offer further guidance.

In this issue of Arkansas, Inc. you'll find details on new legislation that affects business practices and helps the business community become even more efficient and effective. This edition also carries the new fall schedule of notary seminars, a program that has been very successful and remains in high demand. These workshops bring free educational resources right into communities where notaries live and work.

We are making a special plea in this issue to nonprofit corporations for current contact information. All nonprofit corporations must now file an annual report (with no filing fees) by August 1 of each year, beginning

Registered agents can file for commercial status

During the 2007 general session, the legislature approved Act 638 Model Registered Agents Act (MoRAA), which goes into effect September 1, 2007.

The MoRAA is a model act drafted by the National Conference of Commissioners on Uniform State Laws. The MoRAA accomplishes several things: 1) defines the difference between commercial registered agents and non-commercial registered agents, 2) standardizes and clarifies service of process procedures for all entities, and 3) details the duties of registered agents.

To become a commercial registered agent, the individual or entity must file a commercial registered agent registration



with the Arkansas Secretary of State's office, pay a filing fee of \$50 and be in good standing with the state. Individuals or entities can still choose to be a "non-commercial" registered agent (a person that is not listed as a commercial registered agent with the Secretary of State's office).

The duties of both commercial and non-commercial registered agents are to keep updated contact information on file with the Secretary of State's office and to forward any process, notice, or demand that is served to the appropriate entity.

(See MoRAA, page 3)

(See LETTER, page 3)

Business and Commercial Services



Frequently Asked Questions

Q. When conducting business with the Secretary of State, to whom do I make my check payable?

A. Make your check payable to the Arkansas Secretary of State.

Q. What is your physical location?

A. We are in Suite 250 of the Victory Building, 1401 W. Capitol Avenue, Little Rock. This is two blocks east of the State Capitol Building.

Q. I do not want to incorporate, but I would like to register my DBA (Doing Business As) name with the Secretary of State's office. How do I do this?

A. To register a DBA you must first be a corporation registered with the Secretary of State.

Q. Is the name of a company in revoked status available?

A. No, that name is not available until the company is either dissolved by the original owner or administratively dissolved per statute.

Q. What steps are involved in dissolving my corporation or LLC?

A. To dissolve a corporation or LLC all taxes must be current. Additionally, a final report must be filed along with the articles of dissolution. All forms and fees are available on our website, or information can be given by contacting our office.

Q. What are the annual requirements for my corporation/LLC?

A. An annual franchise tax report is due by May 1 of each year. Also, all changes made to the original articles must be recorded in our office.

Q. How do I renew my notary commission?

A. A new \$7,500 surety bond must be obtained through a bonding company, and a new Secretary of State application and the filing fee must be submitted to the Secretary of State's office.

Q. How will I receive verification of my online filing?

A. This office will mail a file-marked copy of the online filing. An e-mail verification of receipt of payment can be downloaded immediately.

Q. Why does my corporation status show revoked on your website?

A. Normally this is a failure to complete all necessary franchise tax obligations.

Q. What are the Secretary of State's office hours?

A. Our office is open from 8 a.m. to 5 p.m. Monday through Thursday and 8 a.m. to 4:30 p.m. on Fridays.

Q. How do I update my non profit contact information?

A. By downloading a form at www.sos.arkansas.gov and mailing it or faxing it to our office or by contacting us at 888-233-0325 or 501-682-3409.

Have a question? E-mail us: Business and Commercial Services at corporations@sos.arkansas.gov.

**Need a speaker
for your next meeting?**

Contact

**Secretary of State
Business and Commercial
Services**

(501) 682-3409



BCS hosts summer interns

The Business and Commercial Services Division again used the assistance of interns from various Arkansas schools and universities during the summer months. Pictured are Rachel Hurst; Kelsey Newman; Secretary of State Charlie Daniels, Charolett Martin, Director of Business and Commercial Services; Britany Kirkpatrick and Ryan Green. Back row: William Douthard, Mitchell Dedman, Eugene Brannon and Travis Cate. Not pictured: Sonni Rogers and Michael Henry.

NOTARY CORNER



This issue of *Notary Corner* was inspired by recurring questions that BCS staff have received during Notary Public seminars.

Increased Fee for Recording Bond and Oath

If you will be renewing your commission in the near future, you will soon discover that the fee for recording your notary commission oath and surety bond/contract has increased. Act 615 of 2007, supported by the Circuit Clerk Association, raises the fees for recording documents in the Circuit Clerk's office. Documents affected by the fee increase include deeds, powers of attorney, survey plats and notary bonds. The new fee for recording these documents will be \$15 for one (1) page, one (1) side only, and \$5 for each additional page. The new revenue from this fee increase will be credited to the "Automated Records System Fund" for Arkansas counties to use in automation of their records.

Filling in the Blank

The first two lines of the notary certificate are known as the venue. A typical venue appears below:

State of Arkansas

County of _____

The venue of the notary certificate denotes the location of the notarial act or where the notarization is performed. Therefore the county listed in the blank should be the county in which the notary is located when he/she completes the form. This county may or may not be the notary's county of commission. Arkansas notaries public have statewide jurisdiction. The Arkansas notary can notarize a document in any county in the state.

Ink That Seal

Notaries in Arkansas may use a metal embosser or a rubber stamp to affix the official seal to a document. However, Arkansas law requires the seal to be "clear and legible and capable of photographic reproduction." This means the embossed impression on the notary certificate should be visible on a photocopy of the document. The raised impression produced by the metal embosser should be darkened in some manner to allow the information on the seal to be read. This can be accomplished by using an inkpad,

crayon or carbon paper to highlight the raised portion of the impression.

No to Birth Certificates

Notaries public are given the power to attest to the fact that a document is a copy of the original of that document. However, a notary cannot make a certified copy of a vital record of this state nor any other jurisdiction. This includes birth certificates. The registrar of Vital Records, located in the Arkansas Department of Health, is the appropriate official to certify an Arkansas birth certificate. Notaries can certify copies of unrecorded deeds, leases and contracts.

It Belongs to the Notary

A notary public's seal is the "exclusive property" of the notary public. The seal must be kept in the exclusive control of the notary whose name appears on the seal. An employer cannot keep a notary's seal or commission even if the employer purchased the seal and commission. The seal must be surrendered to the notary in the event the employee is fired, resigns, or retires.

For more information, contact the Arkansas Secretary of State's office at 501-682-3409. For information about educational seminars for Arkansas notaries public, see the schedule on page 4.

MoRAA, continued from page 1

If a commercial registered agent changes its address without filing a statement of change as required by this legislation, the Secretary of State may cancel the listing of the agent.

A commercial registered agent may terminate at any time by filing with the Arkansas Secretary of State a statement of termination, stating that it is no longer in the business of serving as a commercial registered agent in this state. This filing has a delayed effective

date and will take effect 31 days after it is filed with the BCS office. There is no charge for the termination.

Another provision of MoRAA allows a person or entity to file a nonfiling/nonqualified entity statement which will appoint a registered agent in Arkansas. This alone will not qualify an entity to do business in Arkansas, nor will it provide any protection of the entity name filing the statement. The nonfiling/nonqualified statement is good for five (5) years, or until the entity becomes qualified in Arkansas.

LETTER, continued from page 1

in 2008. In order to mail the appropriate forms, we must update the information we have on file to reflect current contact names and addresses – a considerable task with more than 33,500 non-profit companies registered in the state. Please see the related story on page 1 for ways you can provide your up-to-date information.

I hope you find Arkansas, Inc. and my open door policy helpful in making business decisions. If you have ideas for further improvements we can make or articles you'd like to see in this newsletter, feel free to contact us and share your thoughts.

Online registration available for fall notary public seminars

Arkansas Secretary of State Charlie Daniels announces the fall session for notary seminars across the state, with a more convenient online registration option.

Seminars will be available on the following schedule:

September 6

Bentonville, Rogers

September 7

Fayetteville

September 12

Jonesboro, Batesville, Little Rock

October 3

Texarkana, Arkadelphia

October 4

Hot Springs

October 10

Little Rock

October 11

Magnolia, El Dorado

October 12

Camden

October 18

Fort Smith, Waldron

October 19

Russellville

October 23

Clinton, Conway

October 24

Searcy

November 1

Helena, West Memphis

November 2

Forrest City

November 7

Monticello, Pine Bluff

November 14

Jonesboro, Blytheville, Little Rock

November 15

Walnut Ridge

November 30

Fayetteville, Bentonville

December 12

Harrison, Huntsville, Little Rock

December 13

Clarksville

The 90-minute class is free, but preregistration is required. There are several ways to register and obtain location information:

- Online: www.sos.arkansas.gov
Click on the link to register for the session you wish to attend. You will receive a confirmation email when the online registration is complete.

- Email: ben.tate@sos.arkansas.gov

- Call: Toll-free 888-233-0325 or 501-682-3409



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